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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/620,038

07/15/2003

Justin Shimek

6126US

7511

30173

7590

02/19/2010

GENERAL MILLS, INC.

P.O. BOX 1113

MINNEAPOLIS, MN 55440

EXAMINER

BEKKER, KELLY JO

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

02/19/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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10620038	7/15/2003	SHIMEK ET AL.	6126US

GENERAL MILLS, INC.  
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**EXAMINER**

KELLY BEKKER

ART UNIT	PAPER
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1794	20100215
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**Commissioner for Patents**

The 131 and all other arguments had been considered and addressed; the reply brief filed December 28, 2009 has been entered and considered; the application will be forwarded to the board for decision on the appeal.

Specifically regarding appellant's comment that "the Examiner has indicated in the past that she has never allowed an application based on a 131 affidavit...", the 131 affidavit had been considered and was not found to be persuasive as explained in the Examiner's Answer. Appellant's comment on "the examiner has indicated in the past that she has never allowed an application based on a 131 affidavit" is not well taken and is perplexing because it bears no connection to the issue under consideration.

/Lien Tran/  
Primary Examiner  
Art Unit 1794

/Kelly Bekker/  
Examiner  
Art Unit: 1794